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6 || Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

11 THE BOARD OF TRUSTEES OF THE) No. C 08-01137-SBA
12 CARPENTERS HEALTH AND WELFARE)
13 TRUST FUND FOR CALIFORNIA;)
14 CARPENTERS VACATION-HOLIDAY TRUST))
15 FUND FOR NORTHERN CALIFORNIA;)
16 CARPENTERS PENSION TRUST FUND FOR)
17 NORTHERN CALIFORNIA; CARPENTERS)
18 ANNUITY TRUST FUND FOR NORTHERN)
19 CALIFORNIA; and CARPENTERS TRAINING)
20 TRUST FUND FOR NORTHERN) EX PARTE APPLICATION TO
21 CALIFORNIA, and CARPENTERS 46) EXTEND TIME TO FILE MOTION
22 NORTHERN CALIFORNIA COUNTIES) FOR DEFAULT JUDGMENT FOR A
23 CONFERENCE BOARD for itself and on behalf) SUM CERTAIN; ORDER
of NORTHERN CALIFORNIA CARPENTERS)
REGIONAL COUNCIL)
Plaintiffs,)
v.)
ACOUSTICTEC, A California Corporation,)
Defendant.)

24 Plaintiffs BOARD OF TRUSTEES OF THE CARPENTERS HEALTH AND WELFARE
25 TRUST FUND FOR CALIFORNIA; CARPENTERS VACATION-HOLIDAY TRUST FUND
26 FOR NORTHERN CALIFORNIA; CARPENTERS PENSION TRUST FUND FOR NORTHERN
27 CALIFORNIA; CARPENTERS ANNUITY TRUST FUND FOR NORTHERN CALIFORNIA;

1 and CARPENTERS TRAINING TRUST FUND FOR NORTHERN CALIFORNIA, and
2 CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD for itself
3 and on behalf of NORTHERN CALIFORNIA CARPENTERS REGIONAL COUNCIL
4 (hereinafter "Plaintiffs") hereby respectfully request an extension of time to prepare a further
5 motion for default judgment for a sum certain.

6 On or around July 16, 2009, the Court adopted Magistrate Judge Chen's Report and
7 Recommendation re Plaintiffs' Motion for Default Judgment (Docket No. 39) and granted
8 Plaintiffs' Motion for Default Judgment against Defendant AcousticTec (Docket No. 42).

9 Pursuant to the Report and Recommendation and the Court's Order, Plaintiffs have
10 conducted an audit of Defendant AcousticTec's books and records pursuant to the Trust
11 Agreements and found additional amounts were due and owing to Plaintiff Trust Funds.

12 Pursuant to the Report and Recommendation and the Court's Order, Plaintiffs respectfully
13 request an additional 30 days to prepare a further motion for default judgment for a sum certain.

14 The above stated facts are set forth in the accompanying declaration of Kristina M. Zinnen
15 in Support of Ex Parte Application to Extend Time to File Motion for Default Judgment for a Sum
16 Certain, filed herewith.

17 Dated: September 14, 2009

18 WEINBERG, ROGER & ROSENFELD
19 A Professional Corporation

20 By: _____/s/_____
21 KRISTINA M. ZINNEN

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ORDER

Based upon the foregoing Ex Parte Application to Extend Time to File Motion for Default Judgment for a Sum Certain and Declaration of Kristina M. Zinnen in support thereof, the Court hereby orders: To provide Plaintiffs adequate time to bring a further motion for default judgment for a sum certain, judgment shall not enter until thirty days after the date of this order. Plaintiffs may request additional time. If Plaintiffs fail to do so, the Court will enter judgment thirty days after the date of this order and close the file. In addition, the Court orders:

Dated: 9/15/09

The Honorable Saundra Brown Armstrong
United States District Court Judge

PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On September 14, 2009, I served upon the following parties in this action:

Acoustictec
2508 West Belmont
Fresno, CA 93728

copies of the document(s) described as:

**EX PARTE APPLICATION FOR CONTINUANCE OF CASE MANAGEMENT
CONFERENCE; [PROPOSED] ORDER and DECLARATION OF KRISTINA M. ZINNEN
IN SUPPORT OF EX PARTE APPLICATION FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

[X] BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[] **BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

[] **BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on September 14, 2009.

/s/
Laureen D. Arnold

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